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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,884	04/20/2001	Mark D. Levitt	103-1345USI1	3284
7590 04/16/2004			EXAMINER	
David R. Cleveland IPLM Group P.O. Box 18455 Minneapolis, MN 55418			AHMED, SHEEBA	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 04/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,884

Applicant(s)

LEVITT ET AL.

Examiner

Sheeba Ahmed

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Applicants response dated January 13, 2004 has been entered in the above-identified application.

Claims 1-35 are pending of which claims 28-35 are now under consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Koreltz et al. (WO 94/22965).

Koreltz et al. disclose compositions and methods of using compositions to strip coated surfaces such as finished floors (Page 1, lines 5-10). The compositions are effective in removing multiple coatings of a standard floor sealer/finish comprising urethane/acrylic polymers (Page 3, lines 35-37) and the method of removing the sealer/finish coating from a surface comprising: applying a stripper composition to the coating wherein the coating is multiple layers of the same or different compositions and allowing the composition to contact the coating for a time sufficient to remove the coating. Preferred methods include abrading the coating (Page 4, lines 1-35). Table I shows the % of coating removed after immersing coated strips in the stripper composition

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for 2.5 minutes and the "% removed" ranges from 67-92%. All limitations of claims 33-35 are disclosed in the above reference.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamrock et al. (WO 98/11168) in view of Holman et al. (US 6,444,134 B1).

Hamrock et al. disclose a floor finishing system comprising a radiation curable composition and a primer composition wherein the primer composition is coatable over a substrate and the radiation curable composition is coatable thereon (Page 6, lines 25-30). The radiation curable coating comprises a polyfunctional isocyanurate and a hydroxyalkyl acrylate and can be cured with low intensity UV radiation (Page 4, lines 21-30 and Page 7, lines 24-25). A preferred monomer is shown on Page 5 and contains an aromatic group. The cured, coatable composition is readily strippable from the substrate when the latex primer is present (Page 7, lines 1-3). The method for applying the floor finish comprises applying a coatable acrylated latex primer to a substrate, drying the primer composition to form an acrylated polymer primer coat over the substrate, applying a radiation curable composition to the primer coat and hardening the

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radiation curable coatable composition by exposing the composition to UV radiation to form a protective coating over the substrate (Page 8, lines 12-22).

Hamrock et al. do not specifically teach that the radiation curable coating (*i.e., the coating corresponding to the top of the claimed invention*) is water borne or that it comprises water.

However, Holman et al. disclose a method of finishing floors wherein the floor may be coated with a water based finish including urethane and acrylic polymers and copolymers and crosslinking agents (Column 2, lines 1, lines 5-6 and Column 2, lines 3-5). Examples of the polymers include aliphatic urethanes, urethane/acrylic polymers and acrylic polymers and these polymers/copolymers are designed for high performance uses, where hardness, flexibility, UV resistance, chemical resistance and abrasion resistance are desired. One specific example of the urethane/acrylic copolymer is a high solids, radiation curable, water-borne formulation by the trade name of NEORAD 3709 (Column 4, lines 11-36). Preferably, the coating compositions have a solids content of 30-70 wt.% based on the total weight of the composition (Column 4, lines 1-5).

Accordingly, it would have been obvious to one having ordinary skill in the art to replace the radiation curable coating comprising a polyfunctional isocyanurate and a hydroxyalkyl acrylate, as taught by Hamrock et al., with a water based finish including urethane and acrylic polymers and copolymers and crosslinking agents given that Holman et al. specifically teach that such water-borne coatings exhibit high hardness, flexibility, UV resistance, chemical resistance and abrasion resistance.

Response to Arguments

4. Applicant's arguments with respect to claims 33-35 have been fully considered but they are not persuasive. Applicants traverse the rejection of claims 33-35 under 35 U.S.C. 102(b) as being anticipated by Koreltz et al. (WO 94/22965) and submit that the overcoat layer taught by Koreltz is not radiation cured and therefore is much more difficult to strip than the 'standard' coatings taught by Koreltz. Applicants further state that Koreltz's working examples use CITATION finish that does not contain a photoinitiator and is not radiation cured.

First, the Examiner would like to point out that the coated samples in the working examples disclosed by Koreltz are prepared by coating the substrate with the sealant/finish and then heating in an oven to obtain a fully hardened coating thus indicating that the coatings are cured. Second, the Examiner would like to point out that the cured coatings of Koreltz are equivalent to the cured overcoat of the claimed invention given that claims 33-35 are directed to "a method of removing a multilayer laminate comprising: a) applying a strip agent to a dried waterborne radiation cured overcoat adhered to a dried intermediate layer atop a substrate" and hence the claims require that the overcoat be cured – the fact that the overcoat was applied as a waterborne composition and then radiation cured is simply the process by which the cured overcoat layer was obtained.

Furthermore, Applicant's arguments with respect to claims 28-32 have been considered but are moot in view of the new ground(s) of rejection.

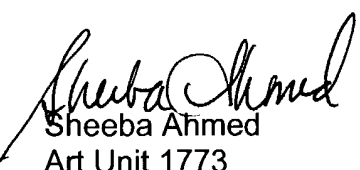
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Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheeba Ahmed whose telephone number is (571)272-1504. The examiner can normally be reached on Mondays and Thursdays from 8am to 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on (571)272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sheeba Ahmed
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April 12, 2004